

Docket No  
989 001DIV1

## Declaration and Power of Attorney for Patent Application English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR FABRICATING MEMS AND MICROFLUIDIC DEVICES USING LATENT MASKING TECHNIQUE

the specification of which

(check one)

- ☒ is attached hereto.  
☐ was filed on as United States Application No. or PCT International Application Number \_\_\_\_\_  
 \_\_\_\_\_ and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)		<u>Priority Not Claimed</u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed) <input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed) <input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed) <input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States Provisional Application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International Application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R. Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/334,408  
\_\_\_\_\_  
(Application Serial No.)

June 16, 1999  
\_\_\_\_\_  
(Filing Date)

Pending  
\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.  
(List names and Registration Number)

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Syracuse, NY 13202

Customer No.:



20874

PATENT TRADEMARK OFFICE

Direct Telephone Calls to: (name and telephone number)

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Full name of sole or first inventor

James E. Moon

Sole or first inventor's signature

*James E. Moon*

Date

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*Timothy J. Davis*

Date

10/31/01

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Third inventor's signature

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Paul C. Waldrop

Fifth inventor's signature

Date

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Full name of sixth inventor, if any

Sharlene A. Wilson

Sixth inventor's signature

Date

10/31/01

Residence

4483 Route 414, Seneca Falls, NY 13148

Citizenship

US

Post Office Address

Same

## ASSIGNMENT AND AGREEMENT

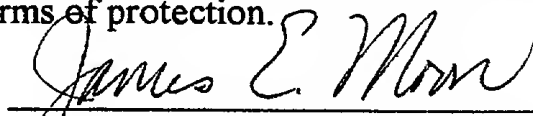
For value received, I, James E. Moon, of Ithaca in the State of New York, Timothy J. Davis, of Trumansburg in the State of New York, Gregory J. Galvin, of Ithaca in the State of New York, Kevin A. Shaw, of Ithaca in the State of New York, Paul C. Waldrop of Ithaca in the State of New York and Sharlene A. Wilson of Seneca Falls in the State of New York, hereby sell, assign and transfer to Kionix, Inc., having an office at 22 Thornwood Drive, Ithaca, New York 14850-1263, and its successors, assigns and legal representatives (hereinafter referred to as the "Assignee"), the entire right, title and interest, for the United States of America, in and to certain inventions related to the **"Improved Methods Of Fabricating Microelectromechanical And Microfluidic Devices"** described in an application for Letters Patent of the United States, and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and I also concurrently hereby sell, assign and transfer to Assignee the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

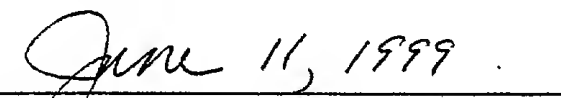
I authorize Assignee to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from me, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.


I hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Assignee to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

I request that any and all patents for said inventions be issued to Assignee in the United States and in all countries foreign to the United States, or to such nominees as Assignee may designate.

I agree that, when requested, I shall, without charge to Assignee, but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

  
James E. Moon

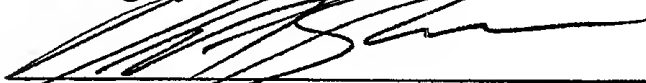
  
Date:

  
Timothy J. Davis

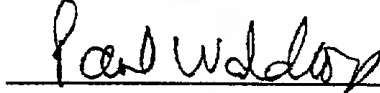
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Date

  
Gregory J. Galvin

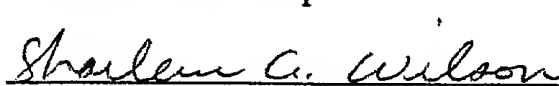
6/11/99  
Date

  
Kevin A. Shaw

6/15/99  
Date

  
Paul C. Waldrop

6/11/99  
Date

  
Sharlene A. Wilson

6/11/99  
Date